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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/148,533	09/04/1998	LELAND LESTER	98P7649US	3513

7590 05/22/2002

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INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

HAROLD, JEFFEREY F

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/148,533	LESTER ET AL.	
	Examiner	Art Unit	
	Jefferey F. Harold	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. ***Claims 1, 4, 7 and 10*** are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (United States Paten 5,882,406).

Regarding **claim 1**, Brown discloses a switching circuit for automatically routing audio and data signals between a modem, telephone, and I/O devices. In addition, Brown discloses a switching circuit, which reads on claimed "apparatus", for connecting a microphone (105), alternatively to a telephone line (228, 229) and modem (102), which reads on claimed "alternative device", as disclosed at column 3 line 48 through column 4, line 64 and exhibited in figures 1A, 1B and 2, the switching circuit comprising:

a switching and line interface circuitry (111) for connecting the modem (102), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) for connecting the telephone line (228, 229), as disclosed at column 4, lines 21-64 and exhibited in figures 1B and 2;

a switching and line interface circuitry (111) for connecting the microphone (105), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) connected to the modem, telephone, and microphone, the switching circuit connecting the telephone to the computer/microphone (105) in response to sensing a logic low signal that correlates to local phone off-hook detect, which reads on claimed "sensing a voltage", and the switching and line interface circuitry (111) connects the microphone to the modem, when configured by the computer, when the off-hook signal is not sensed, as disclosed at column 3, line 48 through column 4, line 64 and exhibited in figures 1B and 2.

Regarding **claim 4**, Brown discloses a switching circuit, which reads on claimed "apparatus", for connecting a headset (104), alternatively to a telephone line (228, 229) and modem (102), which reads on claimed "alternative device", as disclosed at column 3 line 48 through column 4, line 64 and exhibited in figures 1A, 1B and 2, the switching circuit comprising:

a switching and line interface circuitry (111) for connecting the modem (102), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) for connecting the telephone line (228, 229), as disclosed at column 4, lines 21-64 and exhibited in figures 1B and 2;

a switching and line interface circuitry (111) for connecting the headset (104), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) connected to the modem, telephone, and microphone, the switching circuit connecting the telephone to the computer/headset (104) in response to sensing a logic low signal that correlates to local phone off-hook detect, which reads on claimed "sensing a voltage", and the switching and line interface

circuitry (111) connects the microphone to the modem, when configured by the computer, when the off-hook signal is not sensed, as disclosed at column 3, line 48 through column 4, line 64 and exhibited in figures 1B and 2.

Regarding **claims 7 and 10**, they are interpreted and thus rejected for the same reasons set forth above in **claims 1 and 4**. Since **claims 7 and 10** disclose a method that corresponds to the apparatus of **claims 1 and 4**, the method is inherent in that it simply provides functionality for the structural implementation found in **claims 1 and 4**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 2, 5, 8, 11, 13 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Walsh et al. (United States Patent 5,655,014), hereinafter referenced as Walsh.

Regarding **claim 2**, Brown discloses everything claimed as applied above (see claim 1), however, Brown, fails to disclose wherein the switching circuit is included in a computer telephone integration (CTI) module. However, the examiner maintains that it was well known in the art to provide wherein the switching circuit is included in a computer telephone integration (CTI) module, as taught by Walsh.

In a similar field of endeavor Walsh discloses a switching device independent computer-telephone integration system. In addition, Walsh discloses a computer-telephone integration system (13) that includes a switching device comprising a switching interface (14), as disclosed at column 4, lines 53-59 and exhibited in figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown by specifically providing wherein the switching circuit is included in a computer telephone integration (CTI) module, as taught by Walsh, for the purpose of extracting call information from an incoming call received and forwarding call information to the computer.

Regarding **claim 5**, Brown discloses everything claimed as applied above (see claim 4), in addition, **claim 5** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

Regarding **claim 8**, Brown discloses everything claimed as applied above (see claim 7), in addition, **claim 8** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

Regarding **claim 11**, Brown discloses everything claimed as applied above (see claim 10), in addition, **claim 11** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

Regarding **claim 13**, Brown discloses everything claimed as applied above (see claim 12), in addition, **claim 13** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

Regarding **claim 15**, Brown discloses everything claimed as applied above (see claim 14), in addition, **claim 15** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

4. **Claims 3, 6, 9, 12 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of well know prior art (MPEP 2144.03).

Regarding **claims 3, 6 and 9** Brown disclose everything claimed, as applied above, (see claims 1, 4 and 7 respectively), however, Brown fails to disclose wherein the device is a personal computer. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the device is a personal computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown by specifically providing wherein the device is a personal computer, for the purpose of sending data to a computer.

Regarding **claim 14**, Brown discloses a switching and line interface circuitry, which reads on claimed "apparatus", for switching between a modem and the various communication devices (110), which include local phone, that is connected to the computer system, and as disclosed at column 4, lines 22-26 and exhibited in figure 1B, comprising:

a switching and line interface circuitry (111), which reads on claimed "device connector" for connecting, as disclosed at column 4, lines 27-31 and exhibited in figure 1B;

a switching and line interface circuitry (111), which reads on claimed "telephone connector", for connecting the telephone line (228, 229), as disclosed at column 4, lines 21-64 and exhibited in figures 1B and 2;

a switching and line interface circuitry (111), which reads on claimed "microphone connector", for connecting the microphone (105), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) for connecting the device, telephone and microphone connectors, and switching circuit for connecting the telephone connector to the microphone connector and the switching circuit connecting the microphone connector to the device connector, as disclosed at column 4, lines 21-40 and exhibited in figures 1B and 2;

However, Brown fails to disclose a personal computer and voice command. However, the examiner takes official notice of the fact that it was well known in the art to provide a personal computer and voice commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown, by specifically providing a personal computer and voice commands, for the purpose of communicating data digitally and providing various actuation commands.

Regarding **claim 12**, it is interpreted and thus rejected for the same reasons set forth above in **claim 14**. Since **claim 12** discloses a method that corresponds to the apparatus of **claim 14**, the method is inherent in that it simply provides functionality for the structural implementation found in **claim 14**.

Response to Arguments

5. Applicant's arguments filed February 21, 2002, have been fully considered but they are not persuasive.

Regarding applicant's arguments concerning microphone and alternate connections dependent on sensed voltage, the examiner respectfully disagrees since the above cited rejection more than adequately provides support for the claimed limitations.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Walsh is used to the use of a CTI.

Regarding applicant's argument concerning examiner's statements regarding it being well known in the art to provide a personal computer and voice commands, the applicant failed to adequately traverse such findings. Further the applicant failed to specifically point out the supposed errors, which include stating why the noticed fact is not considered to be common knowledge or well known in the art. Hence the examiner's statements regarding it being well known in the art to provide a personal

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computer and voice commands is taken to be admitted prior art because applicant failed to failed to adequately traverse the examiner's assertion.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JFH
May 20, 2002



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600